

**IV. REMARKS/ARGUMENTS UNDER 37 C.F.R. 1.111**

**A. Reply to rejection of claims 1,3, and 5-7 under 35 USC 102 (b) as being anticipated by Fisher '534**

Claims 1,3, 5-7 were rejected under 35 USC 102 (b) as being anticipated by U.S. Pat. No. 3,811,534 to J.M. Fisher ("Fisher '534"). The Examiner alleged that: Fisher discloses the invention as broadly defined in the claims.

Regarding The Allegations: As discussed during the interview with Examiner on July 20, 2005, the field of use for the Phillips recreation slide is specifically different from an escape slide field of use. Therefore, applicant has amended claim 1 of the Phillips application to identify the field of use for the Phillips recreation slide as a recreation, exercise, gymnastic, entertainment and sports training slide.

As discussed during the interview with the Examiner, Applicant has further amended claim 1 of the Phillips application to include a structural differentiation between the Phillips applications claim 1 and the Fisher escape slide by incorporating the limitation of dependent claim 16 into the Phillips applications Claim 1 to recite said slide wherein means are provided for introducing water to said top surface; and claim 17 has been amended to depend from claim 1.

In summary, the above arguments demonstrate that applicant's claims 1,3 and 5-7 are allowable in view of Fisher as Fisher does not anticipate the invention claimed in the present Phillips application. Accordingly, it is requested that Fisher be withdrawn as a reference.

**Reply to rejection of claims 1,2,8,10,16,17 and 88 under 35 USC 102 (b) as being anticipated by Jacober '898.**

Claims 1,2,8,10,16,17 and 88 were rejected under 35 USC 102 (b) as being anticipated by U.S. Pat No. 4,805,898 to J.M. Jacober et al. ("Jacobser '898"). The Examiner alleged that: Jacober discloses a slide for supporting a user, such slide having a base (16,17) and top surface to facilitate sliding thereon, the top surface being characterized as having a low friction, durable sheeting layer which enables the user to traverse thereon both when the top surface is wet and dry.

Regarding Allegations: As demonstrated and discussed at the interview with Examiner on July 20, 2005. Applicants expert witness presented to the Examiner specific statements within the Jacober specification where Jacober teaches away from the use of his invention dry as claimed in present Phillips application. The expert witness presented support for Jacober teaching away from his invention used dry within column 2, lines 5,6,7 and 8, column 8, lines 3 and 4 and column 8 lines 14 and 15. Within Jacober states his "flexible slide member is sprayed with water to lubricate the surface of his flexible slide member" and "sprayed with water to lubricate the flexible slide member to avoid sliding burns." These statements made by Jacober imply the surface of Jacober's flexible slide member is constructed of a material with a high coefficient of friction. Therefore, Jacober teaches away from his invention being used dry as claimed in the present Phillips application. As discussed during the interview, the Examiner generally agreed with applicants expert witness Jacober does not anticipate the invention claimed within the present Phillips application. As discussed and requested by the Examiner during the interview, applicant has amended claim 1 of the Phillips application to include the limitation of dependent claim 16 as a structural differentiation between Phillips applications claim 1 and a playground slide construction to recite said slide wherein means are provided for introducing water to said top

surface.

In summary, the above arguments demonstrate that applicant's claims 1,2,8, 10, 17 and 88 are allowable in view of Jacober as Jacober does not anticipate the invention claimed in the present Phillips application. Accordingly, it is requested that Jacober be withdrawn as a reference.

## **V. CONCLUSION**

For all the above reasons, Applicant believes the prior art references do not anticipate the present Phillips application's invention as claimed and that applicant's claims 1-3, 5-8, 10, 17 and 88 are now in condition for allowance.

Respectfully submitted,

Dated: August 22 , 2005

By Donald Diamond  
Donald Diamond  
Reg. No. 18,771

2<sup>nd</sup> Floor  
2180 Jefferson Street  
Napa, CA 94559-1200

(707) 265-8347 (V)  
(707) 265-8413 (Fax)